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MONITORING THE TRANSITION TO DEMOCRACY IN SOUTH AFRICA

Report on the mission to South Africa by the Special Rapporteur, Ms. Judith Sefi Attah, from 7 to 18 November 1994

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Introduction

1. This is the last of three reports by the Special Rapporteur on the transition to democracy in South Africa. The first report, dated 2 July 1993 (E/CN.4/Sub.2/1993/11) was submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-fifth session pursuant to Sub-Commission resolution 1992/6 of 21 August 1992, in which inter alia, it recommended that a special rapporteur be appointed to report on the progress towards democracy, equality and justice in South Africa. The appointment of Ms. Judith S. Attah as Special Rapporteur was endorsed by the Commission on Human Rights in its resolution 1993/19 of 26 February 1993 and her mandate was confirmed by the Economic and Social Council in its resolution 1993/45.

2. In keeping with her mandate, in her first report (E/CN.4/Sub.2/11) the Special Rapporteur examined the various steps being taken at the time to create a new democratic, non-racial South Africa in which all its citizens would enjoy equal political rights in accordance with international human rights instruments, noting that positive but slow political developments were then taking place in South Africa. The first report considered the phenomenon of violence and its impact on the enjoyment of the right to life and concluded, inter alia, that violence had the potential of remaining a feature of South African society in the foreseeable future for various reasons enumerated in the report.

3. The first report also outlined the socio-economic iniquities of apartheid as they had affected the realization of the social and economic rights of the majority of South Africans and noted that important structural and empowerment measures needed to be taken to redress the situation. It further examined some of the factors capable of impeding the transition to democracy in South Africa, and the role of the international community in the transition process, and set out a number of recommendations that could facilitate the creation of a new South Africa in which the fundamental rights of all its citizens were promoted and respected.

4. Having considered the first report and in view of the wish expressed by the Special Rapporteur in that report to be provided with the opportunity to visit South Africa so as to gain first-hand understanding of the dynamics of the transition process as they affected the enjoyment of the fundamental human rights of the people, the Sub-Commission adopted resolution 1993/1 on 13 August 1993 in which, inter alia, it requested the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a mission to South Africa during the preparation of her second report.

5. Consequently, a mission to South Africa was undertaken from 24 November to 2 December 1993. It coincided with a period in the transition process during which various important negotiated transitional legislation, designed to create the appropriate political environment for the first multiracial elections, had either been concluded or was nearing completion. After the mission, during which broad-based consultations were held with high-ranking representatives of the Government and of major parties as well as civic and religious leaders and representatives of some non-governmental organizations,

the Special Rapporteur submitted a second report dated 18 January 1994 (E/CN.4/Sub.2/1993/Add.1), to the Commission on Human Rights at its fiftieth session.

6. The second report highlighted some of the transitional legislation as it affected the promotion or protection of the fundamental human rights of the people. Measures directed at ensuring free and fair elections were examined. The question of violence was considered and its denial of the right to life and its capacity to mar efforts to create a political atmosphere conducive to peaceful political activities was underscored. In the light of views expressed and impressions formed during the mission, the second report also outlined some of the obstacles in the way of the first multiracial elections and proffered a number of recommendations which not only addressed measures directed at overcoming the obstacles but offered inputs into the United Nations system's preparations for assisting the transition to democracy in South Africa.

7. However, since issues pertaining to the realization of the social and economic rights of all South Africans did not receive adequate treatment in the second report, specifically because preparations for the first non-racial multiparty elections were occupying the centre-stage at the time, it was felt that the Special Rapporteur should undertake another visit to South Africa after the holding of the historic general elections from 26 to 28 April 1994. Such a visit would enable the Special Rapporteur gain valuable insights into measures being considered or actually being taken by the new democratic government to reform, restructure or replace administrative, economic, legal and social structures set up under apartheid, in order to restore social justice and foster the realization of the social and economic rights of the deprived and disadvantaged majority of South Africans.

8. It had been the hope of the Special Rapporteur to visit post-apartheid South Africa prior to the forty-sixth session of the Sub-Commission, held in August 1994, in order to submit to it a comprehensive report on how the country's new democratic leadership was addressing the question of the equalization of social and economic rights. But the understandably special circumstances in South Africa at the time necessitated the postponement of the visit.

9. Consequently, following contacts between the Centre for Human Rights and the Permanent Mission of South Africa to the United Nations Office at Geneva aimed at obtaining the consent of the South African Government to the visit, as well as working out logistical arrangements, the Special Rapporteur, accompanied by two officers of the Centre for Human Rights, undertook a second mission to South Africa from 7 to 18 November 1994.

10. This third report, which is the outcome of the mission, has been put together after extensive travels within South Africa and consultations with a number of high-ranking representatives of the Government of National Unity (GNU). Ideas, facts and figures contained in the report have also emanated from the series of discussions held and views exchange with a wide range of civic and religious leaders, as well as representatives of various non-governmental organizations. A schedule of meetings held in South Africa during the visit is contained in annex I to the present report.

11. Given that the policy framework within which the GNU proposes to pursue upliftment policies that would improve the human rights condition of disadvantaged South Africans is the Reconstruction and Development Programme (RDP), the present report examines the key policy pillars or elements of the programme. It then undertakes a sectoral appraisal of South Africa's socio-economic system by focusing on the land question, education, labour, housing, health and the public service, inter alia, in an attempt to bring into perspective policies or actions that have been taken or are being considered by the various arms of the GNU to promote the goals of the RDP as they relate to the realization of the social and economic rights of the disadvantaged communities in South Africa. The special role which the international community is playing and must still play in the transition process is highlighted while a number of recommendations of general and specific character have been made.

12. The Special Rapporteur extends her special thanks to the Government of South Africa and the Centre for Human Rights for facilitating this mission. She also wishes to thank all those whose support and assistance have been invaluable in the fulfilment of her mandate.

13. Since the first and second reports of the Special Rapporteur (E/CN.4/Sub.2/1993/11 and Add.1) contain important background information on the transition to democracy in South Africa, it is recommended that they be read in conjunction with the present report for a better understanding of the issues.

I. THE RECONSTRUCTION AND DEVELOPMENT PROGRAMME

14. At the heart of the Government of National Unity's plan to reorganize and democratize post-apartheid South Africa through addressing the basic needs of the masses is a five-year economic development plan called the Reconstruction and Development Programme (RDP). The RDP is conceived as an integrated, coherent socio-economic policy framework which seeks to mobilize all South Africans and the country's resources towards the final eradication of the legacies of apartheid. It represents a vision for the fundamental transformation of South Africa from the ashes of apartheid into a democratic, non-racial and non-sexist society.

15. Under the RDP, the Government's central goal is to meet the social and economic needs of the people and to create a strong, dynamic and balanced economy which will, among other things,

> Create jobs that are sustainable, and which will be able at the same time to absorb new job seekers in both the formal and non-formal sectors;
>
> Alleviate the poverty, low wages and extreme inequalities in wages and wealth bequeathed by the apartheid system;
>
> Address economic imbalances and structural problems in industry, trade, commerce, mining, agriculture, finance and labour markets;
>
> Ensure that no one suffers discrimination in hiring, promotion or training on the basis of race or gender;

Democratize the economy and empower the historically oppressed; and

Develop the human resource capacity of all South Africans.

16. These goals are to be attained through the implementation of a number of presidential lead projects, including in the areas of primary school nutrition; rural water provision; land reform; land restitution; urban infrastructure investment planning; a national urban reconstruction and housing agency; a national literary programme; a small-scale farmer development programme; a culture of learning; a public works programme; free health care; clinic building; an AIDS awareness and prevention campaign; provincial project preparation facilities; provincial projects; extension of municipal services; and urban renewal projects. (See annex II for details of these projects.) Taken together, these projects attempt to satisfy the Government's five key objectives of meeting the people's needs; developing the country's human resources; building the economy; democratizing the State and society; and implementing the RDP.

17. Funding for these projects would come from the RDP Fund established under the terms of the RDP Fund Act of 1994 and administered by the Ministry of Finance. There are several sources of finance for the Fund. The first is money appropriated by Parliament for the Fund through savings by departments. In the 1994/95 budget, R 2.5 billion was allocated to the RDP Fund. This amount would increase to R 5 billion in 1995/96 and progressively increase to R 10 billion in 1997/98 and to R 12.5 billion thereafter.

18. A second source of finance is the Government's receipt of international and domestic grants and aid. Access to the broadest possible international finance base is now possible following the process of democratization which has normalized South Africa's relationship with the international community. It was understood during the mission to South Africa that an interdepartmental committee has already been established to consider aid offers from donor countries and multilateral agencies. This committee will further investigate and negotiate with donors on the utilization of aid for the funding of RDP projects, with a view to optimizing the use of grant aid and concessionary finance as part of an integrated funding package for each programme.

19. The Fund will also benefit from interest earned from the investment of money standing to the credit of the Fund and from proceeds from the sale of State assets. An audit of these assets as a first step towards their disposal is reported to have commenced. Other sources of funds from which the RDP could benefit include revenue from lotteries and gambling.

20. The comprehensive and long-term nature of the RDP have led some critics to deride it as a "populist flavoured wish list". In spite of such criticism, however, discussions with various groups during the mission confirmed strong support for the programme as an important blueprint on the basis of which choices can be made in the drive to correct the numerous injustices and inequalities perpetrated by the policy of apartheid. While it was readily admitted that finance could be a major constraint in the endeavours, the view was held that prioritization of projects in a way that would bring lasting benefit to the people had the capacity to guarantee the programme's continued relevance.

II. LAND AND PROPERTY RIGHTS

21. Property and land rights are provided for and protected in sections 28 (1-3) and 121 to 123 of the Interim Constitution. In fact, the central position which these rights occupy in the political economy of the new South Africa can be discerned from the fact that measures aimed at redressing some of the injustices of apartheid with regard to land ownership constitute one of the exceptions to the equality clause in section 8 of the Interim Constitution.

22. There is perhaps an historical explanation for this. Many commentators on South Africa acknowledge that a key cornerstone of the apartheid edifice on which rested the pass laws, the Group Areas Act and the infamous Hertzog Bills of 1936 was the 1913 Land Act. This Act provided a deliberate and systematic legislative framework within which black South Africans were denied basic human and property rights, and consigned to the periphery of South African society.

23. The mission to South Africa was informed that the GNU was embarking on a new policy concerning land in order to undo the damage of decades of forced removals, racial segregation and the denial of land rights. One feature of this policy is the restitution of land rights, the enabling environment of which was created on 17 November 1994 with the signing of the Restitution of Land Act by President Nelson Mandela.

24. The Act sets out the processes and structures through which the dispossessed and the victims of forced removals can seek redress. It provides for the setting up of a commission on the restitution of land rights and a specialized court of law, the Land Claims Court. The Commission is to deal with claims to state and private land on which dispossession took place as a result of apartheid. These claims will have to be lodged within three years of the coming into force of the Act. This is to ensure that the restitution process is dealt with speedily. The Commission will be accessible to all and will be able to assist claimants in documenting their claims. The Commission, which will have regional offices across the country, will also attempt to settle land claims by way of mediation and negotiation. The claims will be considered by the Government with a view to paying compensation at current value. However, in the event of a dispute between parties, the Land Claims Court will have the ultimate decision-making powers.

25. The Land Claims Court will have the power to award compensation and prioritize state support in land reform programmes. In dealing with difficult cases before it, the court will have to consider the principles of equity and public interest enshrined in the Act. Judges on the Land Claims Court will be appointed by the President of the Republic on the advice of the Judicial Services Commission, while members of the Commission on the Restitution of Land Rights were to have been appointed by the end of 1994.

26. A second feature of the Government's new policy on land is the idea of restoration. Envisaged under this feature is the redistribution of 30 per cent of all arable land to its original owners. The mission learnt that, as at the end of the apartheid era, 86 per cent of all arable land was in the hands of white South Africans. In fulfilment of this policy,

the former Department of Regional and Land Affairs, which has now been totally restructured and renamed the Ministry of Land and Survey, is said to be experimenting with allocation of shared land to small farmers who also enjoy Government credit facilities.

27. The Government of National Unity is also employing subsidies as a means of correcting the skewed land ownership situation in South Africa. Under this aspect of the policy, landless communities would be assisted to acquire land. Eighty per cent of the cost of such land would be borne by the Government in the form of outright grants. The beneficiaries will be required to make a down payment of 5 per cent of the cost while the balance of 15 per cent will be regarded as loans granted to such communities.

28. The review of land reforms in rural areas is another feature of the Government's new land policy. This would cover land rights in such areas, farm workers' rights, freehold title and the extension of the 99-year lease system to tribal lands where an individual's right is subsumed in the community's land right. A settlement support programme that would assist people resettle in rural areas as soon as they acquire land for farming is also envisaged under the new policy on land. Support systems under this programme would include the provision of electricity, water and housing through funds made available by the Reconstruction and Development Fund.

29. There was general agreement among those consulted during the mission to South Africa that the Government of National Unity's new policy on land is at the heart of the quest of South Africans for socio-economic emancipation since, if it is properly implemented, hitherto disadvantaged sections of the population will be able to pursue land-related economic activities in a new environment where land and property rights are respected. Although the Restitution of Land Act was acclaimed as an important milestone in reversing the process of land dispossession codified in 1913, the cut-off date of June 1913 provided in the Act as the period from which claims can be made, is considered unsatisfactory by some sections of the disadvantaged communities, who argue that their claims to ancestral lands have not been addressed. There is therefore speculation that this cut-off date may be reviewed.

30. Dissatisfaction with the Act has also come from sections of the white farming community. According to information made available to the mission, the possibility of labour tenants acquiring land for agriculture, as provided for in the Act, has prompted some white farmers to begin the eviction of tenants from land. The mission also noted the concern expressed by a broad category of those consulted at the phenomenon of land invasion and land occupation. Although the rights of such invaders, who may have suffered untold hardships and injustices under apartheid, were recognized, the consensus of opinion was that the Government's decision not to remove the squatters may adversely affect the implementation of specific upliftment policies, such as in the area of housing. The mission was also informed that a cautious approach to the reform of the tribal land system would be employed, given the sensitive nature of the issue and the need to obtain the consent and support of tribal chiefs. It was the understanding of the mission that consultations in this regard have already begun.

III. THE RIGHT TO EDUCATION

31. The denial of equal citizenship and equal rights which characterized the policy of apartheid in South Africa necessarily involved the denial of equal educational rights. Under apartheid, education was organized in a complex hierarchy of 18 separate racial and ethnic departments and services. Funding across the racial and ethnic subsystems was grossly unequal, resulting in huge disparities in physical facilities, professional services and teaching quality.

32. Education being the major vehicle for the human resource development of the RDP by which the GNU proposes to empower the people to enable them to participate effectively in all the processes of democratic society, economic activity, cultural expression and community life, section 32 (a) of the Interim Constitution guarantees the right of every South African to basic education and to equal access to educational institutions. As explained to the mission during consultations in South Africa, the underlying goal is that every citizen of the Republic should have access to life-long learning, not just in schools and other educational institutions but at home and in the workplace.

33. To begin with, the old racially-stratified, multi-department education system has been rationalized. From January 1995 education will now be administered through a single department of education for all races consisting of a national structure and nine provincial structures. A white paper on education containing these structural changes was approved by the South African Cabinet on 24 November 1994.

34. The Special Rapporteur was informed that a major mechanism for achieving the restructuring of the education and training system in a way that would satisfy the people's right to basic education is the National Qualification Framework (NQF). As conceived, the NQF, when established, should facilitate the up-grading of learning standards by monitoring and regulating qualifications and permitting a high level of articulation between qualifications based on the recognition and accumulation of credits. It should also facilitate the movement of learners from one qualification level to another and encourage flexible access by learners to different modes of learning, whether based in institutions, the workplace, community learning centres or through self-study. The NQF will also make it possible for learning to be assessed and certified, whether achieved in formal programmes by personal study or through experience in the workplace. It was the understanding of the mission that this framework has received the support of South Africa's business and labour establishment.

35. Aware of the need for new curricula that would cut across traditional divisions of skills and knowledge in order to prepare the people more effectively for life in a new democratic and economic environment, the GNU, through the Ministry of Education, is reportedly undertaking a feasibility study for a national institute of curriculum development. When established, the institute will, among other things, consider appropriate early-learning programmes, as well as programmes for youths, adults, workers, teacher educators, trainers and a variety of other learning facilitators. Given that

curriculum change is a lengthy process, the mission gathered that the GNU intends to find strategic points of entry so that progressive transformation will take place on a phased basis.

36. Education support services, which under apartheid were administered and functioned separately, resulting in poor coordination and poor services, especially for the disadvantaged groups in society, will also be reviewed. The intention, as understood during consultations in South Africa, is to explore the possibility of adopting a holistic and integrated approach that would, on the one hand, underline the interrelationship between health, social, psychological, academic and skill development and, on the other, target those sections of the learning population which have been most neglected and vulnerable.

37. Other mechanisms being considered to fulfil the right of every South African to basic education include a national council for teacher education, a national open learning agency, a national adult basic education training programme, a national commission on further education, a national commission on higher education and a directorate for early childhood development and lower primary education.

38. The mission learnt that within the context of the RDP 4,000 new classrooms at the primary level are planned for 1995 in all nine provinces to cater for the education of between 697,000 to 2.5 million children who are outside the school system as a direct consequence of apartheid. The schools that had been closed down in white communities would be opened for pupils from needy areas. Some schools at the secondary level, such as Waverly Girls High School, have already become multiracial, while severe cuts in teaching staff employed in the old white and coloured education departments are being contemplated. In addition, 1,600 new teaching posts are to be created to enable some 130,000 black pupils, particularly in the Western Cape Province, to enjoy the right to basic education.

39. A cross section of those consulted stressed the need for the Government to make a pronouncement on the status of farm schools and "Model C" schools as they relate to the people's right to basic education and the right of access to educational institutions. The view was expressed that the constitutional requirement on education and funding limitations make it imperative for the GNU to allow qualified private sector individuals, non-governmental organizations and church groups to assist in providing education. Mention was also made of the need to restore discipline in schools by redefining the roles of those supposed to impart education and those who are the recipients, if current educational renewal measures are to be fruitful. It was emphasized that the authority invested in the teacher must be restored and that pupils must be made to defer to that authority.

40. The mission took note of the R 100 million allocated over and above the current education budget in mid-November 1994 to all nine provinces as part of a scheme to enhance the culture of learning. Note was equally taken of plans to include general education and training components in specific RDP projects such as the public works programmes and the youth programmes, so that participants can achieve a permanent learning dividend from their experiences.

41. Most of those consulted were of the view that just as education was used as a key instrument under apartheid to enforce the policy of racism and segregation, the GNU should also use education to facilitate the realization of the social and economic rights of the disadvantaged communities. In fact, the general feeling was that if education is to attain this priority role which it must play in the transformation of South Africa, then greater effort must be exerted by the Government to redress the huge backlog in amenities at all levels of the educational system.

42. At the primary, secondary and tertiary levels, the need for additional places, materials and trained teachers was recognized. New buildings to ease the overcrowding in township schools would be required. The provision of 4,000 additional classrooms in 1995 planned by the GNU was viewed by many as a modest beginning which must be intensified to take into account the steady population growth among black South Africans. Concern was also expressed at the problem of truancy among primary and secondary schoolchildren in the townships. In addition to the appeal to the youths by President Mandela regarding the need for them to complete their studies, the mission took note of the positive and commendable role being played by the Soweto Education Coordinating Council in peer counselling and reorientating the youths towards accepting education as a profitable and rewarding venture.

43. The need for an aggressive approach to the question of illiteracy, a principal impediment among the rural population, an estimated 70 per cent of whom cannot read or write, was also stressed to the mission. The mission learnt that there had been no policy on literacy under the apartheid system, which had preferred the black population to live in ignorance. It was the understanding of the mission that any modest progress in literacy made among the population of the black townships had been the result of the activities of non-governmental organizations, which are now calling for the urgent provision of new reading materials throughout the country. However, the general feeling was that the eradication of illiteracy would require a more holistic approach that would continue literacy programmes with on-the-job training and with a view to making rural people literate in at least their mother tongue. In addition to the important role which NGOs could play in this endeavour, the vehicle of the radio, widely regarded as an influential friend of rural communities, could also be employed as a medium of instruction and information.

44. The Mission was also informed that advancing the human resource development programmes of the GNU would require structural changes at the tertiary level of education. The absence of adequate technical colleges to satisfy the current huge demand for lower-level technicians was pointed out by most of those consulted. The Government may have to resort to sandwich courses if its manpower requirements for the next six years are to be met. Moreover, it was recognized that because most universities are autonomous, and given that the senates of such institutions are made up of persons who may be resistant to change, there was need for the Government to consider policies that would create an environment that would foster partnership with tertiary institutions for the implementation of its human resource programmes as they affected the disadvantaged communities. In addition to funding specific programmes in such institutions and providing funds for expansion, the view was often expressed that specific measures should equally be taken to change the "ivory tower" mentality of these institutions in order to make them more relevant to the developmental needs of the new South Africa.

IV. JOB CREATION AND LABOUR RIGHTS

45. One of apartheid's most problematic legacies from the perspective of the GNU is unemployment. How disturbing the position is, is revealed by statistics from a recent study conducted by the Human Sciences Research Council of South Africa which found that 42 per cent of the population between the ages of 15 and 30 are jobless. Black youths showed the worst unemployment rate, 45 per cent, while among whites, Asians and coloured, the figures were 12, 19 and 40 per cent respectively. In fact, some commentators say that 4 out of every 10 employable persons in South Africa are without a job, a situation which is widely believed to be putting enormous stress on the country's welfare support system.

46. Although the Interim Constitution did not specifically pronounce on the question of the people's right to work as provided for in article 23 (1) of the Universal Declaration of Human Rights and article 6 of the International Covenant on Economic, Social and Cultural Rights, section 27 (1-5) of the Constitution guarantees the right to fair labour practices, including the right to form and join trade unions and the right to strike. In addition, section 8 (3.a), which is one of the exceptions to the equality clause in the Interim Constitution, guarantees, inter alia, measures designed to achieve the adequate protection and advancement of persons or groups or categories of persons disadvantaged by unfair discrimination, in order to facilitate their full and equal enjoyment of all rights and freedoms.

47. Given these constitutional provisions and aware of the very high job procurement expectations of the majority of black South Africans, the GNU has set up the National Economic Development and Labour Council with the mandate inter alia to facilitate job creation, especially in the rural areas. Linkage programmes that match training with availability of jobs are also being vigorously pursued. It was understood during the mission to South Africa that, in 1992, 65,000 black youths trained under labour programmes benefited from the scheme.

48. The Skill Acquisition Programme, which since 1985 has reportedly enabled 100,000 people in rural areas to become self-employed or get job placements, would also be revamped and pursued, although the R 80 million earmarked for the programme in 1995 was considered grossly inadequate in the prevailing circumstances. In addition measures that would enable disadvantaged communities to acquire small- and medium-scale enterprises are being examined, while new legislation that would ease the access of blacks to trading licences, credit and technological facilities is being considered.

49. The mission learnt that a new labour relations act which will address issues pertaining to the rights of all South African workers, without discrimination, is being prepared. A plan to establish an unemployment insurance fund is, similarly, receiving attention. Moreover, the GNU is contemplating the introduction of a minimum wage of about R 1,500 per month. However, since such a measure may fuel inflation and cause hardship to small businesses, the intention is to implement the wage increase in instalments, beginning with R 800 to R 900 within a six-month period, and staggered thereafter from R 1,075 to R 1,250 and ultimately to R 1,500 by 1997/1998. The mission was also informed of the plan of the three labour federations to

merge in order better to promote the interests of their members and improve their bargaining position. The need for educating the leadership of the domestic and farm workers' unions in labour relations management and bargaining techniques was also emphasized to the mission. Given that workers in this category were the most deprived and denied of their labour rights under apartheid, the proposed introduction of the minimum wage by the Government of National Unity was viewed as most helpful to their cause.

50. Job creation within the context of section 8 (3.a) of the Interim Constitution is also being pursued through proposals to restructure the public service. The Public Service Act of 1994 brought the 11 different administrations created by the policy of apartheid into one fold and established 27 national departments. But a new act which will further rationalize the various departments is under consideration.

51. With approximately 40 per cent of all public service posts and most of the top positions occupied by those referred to as the "old guard South Africans", a cross-section of those consulted recognized an urgent need to make public service staffing more representative of the population as a whole. Consequently, the GNU is proposing to introduce an affirmative action programme to be implemented at all levels of government in order to ensure racial, gender and geographical representation in the public service. To this end, the GNU hopes to release a green paper on the programme during the first quarter of 1995, while a white paper is planned for the middle of the year.

52. The mission was informed that a draft equal opportunities bill detailing compulsory affirmative action policies for companies employing more than 20 people had been completed by a panel of experts and was before the Cabinet for consideration. The bill envisages, among other things, the establishment of a statutory affirmative action agency to monitor companies' performance. The Government is also considering the redeployment of staff and the use of retrenchment packages to attain a natural attrition rate of 8 per cent per annum among existing staff to create vacancies for affirmative action placements in the public service. It was the understanding of the mission that an estimated 1.3 million people have applied for the 11,000 affirmative action posts so far advertised by the Government. The advertisement of jobs by the Government was reported to have irked the sensibilities of the predominantly white Public Service Association, which has sought a court injunction for the suspension of parts of the programme.

53. There was general agreement among those consulted during the mission to South Africa that job creation and satisfying the people's right to work must be the joint responsibility of the Government and the private sector. It was equally recognized that job prospects would improve proportionately to general economic growth in the country. None the less, the view is widely held that if the unemployment situation remains stagnant, unrest and the crime wave will escalate in black areas where the problem of joblessness is most acute.

54. The mission noted the calls for caution and the need for careful planning on the part of the Government regarding the affirmative action programme. Such calls stressed the need for a balance between the necessity of empowerment and the imperatives of efficiency, productivity and skills in the public service so as to avoid likely white disenchantment over what is seen in

some quarters as reverse discrimination. Although job procurement ranked high among the priorities of most disadvantaged South Africans, the mission recognized a growing awareness among those consulted of the facilitating role which a good education and training could play in improving the employment prospects of this category of South Africans. The job creation capacity inherent in the numerous presidential lead projects of the RDP was also taken note of by the mission and appreciated.

V. THE RIGHT TO HOUSING

55. The mission was informed that during the apartheid era housing was seen not as a basic human need and right, but as an instrument of racial segregation and control. With no urban housing development programme for the majority of the population and no concern for the provision of shelter with adequate water and sanitation for farm workers and rural communities, the only option available to the vast majority for satisfying their housing needs was the erection of squatter camps made of mud, plastics and corrugated iron sheets.

56. According to available figures, existing backlogs require the housing of 150,000 households annually over a period of 10 years in order to eradicate the inadequate housing legacy bequeathed by apartheid. An additional 200,000 housing units are reportedly required annually if the backlogs are not to increase, while 45 to 55 per cent of households in need of housing are said to be unlikely to be able to afford or have access to credit and are therefore entirely dependent on their own resources and state subsidies to satisfy their basic housing needs.

57. Although Chapter Three of the Interim Constitution does not explicitly include the right to housing among the fundamental rights, the mission was assured of the Government's recognition of housing as a basic human right as provided for in article 25.1 of the Universal Declaration of Human Rights and article 11.1 of the International Covenant on Economic, Social and Cultural Rights. In order to create conditions which will lead to the effective realization for all of the right to housing, the GNU plans to establish a sustainable national housing strategy.

58. The goal of the strategy is to see housing's share of the total State budget increase to 5 per cent and to expanding housing delivery on a sustainable basis to a peak level of 350,000 units per annum within five years so as to meet the Government's target of 1 million houses by 1999. Such houses will be permanent residential structures with secure tenure, ensuring privacy and providing adequate protection against the elements. The houses would also have potable water, adequate sanitary facilities, including waste disposal, and domestic electricity supply.

59. A commitment to the National Housing Strategy by all those involved in the housing delivery programme in the new South Africa has already been made. At Botshabelo (Orange Free State) on 27 October 1994, representatives of the homeless, communities and civil society, government at the national and provincial levels, established and emerging builders, the building materials industry, the finance establishment, and the international community signed a

Housing Accord which, inter alia, pledged to overcome the housing legacy by building viable communities across the country as a path to dignity for the millions of South Africans whose shelter is today inadequate.

60. The mission learnt that following this Accord, the GNU has signed an agreement with the banks, bringing them back into the lower end of the housing market. The agreement commits the banks and the wider financial sector to a resumption of large-scale lending to allow significant numbers of low income earners to realize their right to housing. It also addresses the issue of building quality houses, thereby making it clear that the days of two different building standards, one for rich whites and the other for poor blacks, are over. Standardized houses will now be available in different sizes for those who can afford them. The agreement, which also marks the end of the banks' boycott of low-cost housing, was acknowledged by most of those consulted in South Africa as signalling the readiness of the private sector not only to accept its social responsibility but to contribute skills and resources to the upliftment of disadvantaged members of South African society.

61. In addition to securing the return of the financial sector into low-cost housing, the Government has also embarked on a tenant ownership scheme which has led to the construction of some 3,000 housing units in the suburbs of Western Cape Province alone at the time of the mission to South Africa. This is a subsidized scheme under which the Government either provides the contractor or the materials for those who wish to build their own houses. Installation of water and electricity at such houses is done at government expense, while tenants are expected to pay the usual periodic charges for the use of these utilities. The Government also intends to upgrade private and public hostels in both rural and urban areas with a view to converting them into standard housing units, while state financed houses are to be transferred to township residents.

62. Another measure being considered by the GNU to further the realization of the people's right to housing is the transfer of the management of the farm workers' housing programme from the Ministry of Agriculture to the Ministry of Housing. With the RDP vision of creating commercial agricultural villages, tenant farmers will now be able to obtain directly about R 12,000 subsidy each for a housing unit, which under previous Governments was given to the white farm owners.

63. A savings-driven approach to housing credit under which banks would grant loans on the basis of savings has also been introduced. The approach has reportedly received the support of the South African Homeless Peoples Federation, most of whose members live in rural areas and of whom 85 per cent are known to be women. Moreover, the Government's Development Facilitation Bill which fundamentally addresses the needs of the poor is expected to provide the legal framework for the release of prime land in old and new cities for new low-income house, so as to desegregate the cities.

64. A view on housing that was often expressed during the consultations in South Africa is that it is a right upon which can be anchored the requirements of a dignified and tolerable life. Recognizing that the right to housing is central to the enjoyment by all South Africans of a better life, the need for striking an urban/rural balance in its delivery was emphasized to the mission.

65. Concern was also expressed over the continuing incidents of rent and service charge boycotts by black Africans, as well as land invasions and occupations. While the latter had the capacity to hinder implementation of the housing delivery programmes of the Government through the illegal occupation of prospective building sites, the former was seen as adversely affecting the Government's financial outlays for housing expansion. Although it was readily admitted that rent and service charge boycotts were powerful expressions of the people's resistance to apartheid, the general feeling was that now that a democratic government has been formed, the boycotts should be ended. It was understood during the mission that rent and service charge arrears accumulated up to 31 January 1994 have been written off by the Government, but that arrears from that date are expected to be settled by users.

VI. THE RIGHT TO HEALTH

66. The right of all South Africans to health is subsumed in section 28 of the Interim Constitution, which pronounces on the environment, and in section 30 (c) in the context of children's rights. The mission took note of the commitment on the part of the GNU to promote non-discriminatory realization of this right in accordance with international human rights instruments.

67. The mission learnt of a shift in focus away from the curative, hospital-centred health care delivery system to a preventive, primary health care system, in order to satisfy the health needs of the vast majority who dwell in the rural areas. Hitherto, hospitals consumed 75 per cent of the public health budget or R 10.5 billion, leaving only R 3.5 billion for peripheral services.

68. As conceived by the GNU, primary health-care delivery includes the promotion of proper nutrition, basic sanitation, free maternal and child care up to age of six years, immunization for major diseases, education on health problems, prevention and control of local endemic diseases and injuries, care of the elderly, mental health, accident and emergency services, and the supply of safe water.

69. The Government's effort to shift its focus and resources from the hospital heavy centre of the health care system to the starved periphery through the implementation of a primary health care programme was commended and received broad support during the consultations in South Africa. In a country where doctor population ratios are reportedly often below 1:500 in the cities and as high as 1:30,000 in some rural areas, the move was viewed as most salutary.

70. The mission was apprised of specific steps taken and measures being considered by the Government to promote the realization of some components of its primary health care programme. These include a primary schools feeding scheme. One of the priority projects announced by President Mandela when he opened Parliament, the scheme is aimed at improving the nutrition of primary school pupils in rural areas and informal settlements. The mission was informed that the scheme was launched in September 1994 with a budget of

R 472.84 million for the 140 school days up to March 1995. However, indications are that this budget may be exceeded as 4.67 million children are now being fed under the scheme, as against the original figure of 3.8 million pupils. Preliminary estimates for the next school year earmark a R 886 million budget for the scheme, with additional school days accounted for.

71. Funds have also been appropriated to build and run 780 health clinics in the rural areas by the end of the 1995/96 financial year to facilitate the people's access to health care. A drug prevention programme for youths in which non-governmental organizations would be involved is being considered, while a new family policy that would address the problem of street children is envisaged in 1995. Moreover, it is hoped that a new welfare act which incorporates policies that will address the special needs of the handicapped, AIDS sufferers and child care will be passed by Parliament in April 1995. Arrangements for the creation of a national strategic management committee which will, among other things, monitor, evaluate and formulate welfare policies are said to be at an advanced stage. Meanwhile, it was understood by the mission that all welfare Ministers sit on a ministerial welfare committee which discusses standard setting and legislation.

72. The mission took note of the concern voiced during consultations about the enormous stress which the unemployment rate is putting on the welfare support system. Attention was also drawn to administrative bottlenecks in the provinces which are impeding preparations for the building of health clinics. Special note was also taken by the mission of the opening of the facilities at the Bharagwanath Hospital near Soweto to all races in recent years. Because of its proximity to Soweto, some 3 million disadvantaged South Africans can now satisfy their right to health by availing themselves, sometimes at no cost, of the existing expertise in one of the largest hospital complexes in Africa.

VII. GENDER EQUALITY

73. In South Africa, gender inequality is widely recognized as a key legacy of apartheid which must be corrected. Indeed, in all spheres of the socio-economic and political life of apartheid South Africa, women, especially black women have had to endure unequal status with their male counterparts in the realization of their social and economic rights. In the field of education for example, the mission was informed that worrying disparities occasioned by unfair discrimination and ill-treatment exists between boys and girls.

74. According to available information, boys and young men in South Africa drop out of school at a far higher rate than girls and young women, yet the latter have significantly narrower subject and career choices than the former. Women are also overwhelmingly represented in the teaching service, but very few of them attain the rank of school principals and fewer still are visible in middle and senior management positions in the various departments of education. In the rural areas where many women live, they usually do not have rights to land nor do they have access to credit.

75. Perhaps aware of the important role played by women during the struggle to dismantle apartheid and in line with world-wide concerns on gender equality, section 119 of the Interim Constitution provides for the establishment of a commission on gender equality with the responsibility of promoting gender equality. Arising from this constitutional provision, the mission gathered, all Ministries and extra-ministerial departments in the new South Africa are to have a gender coordinating unit which will cater for women issues as they related to such departments.

76. In the Ministry of Lands, a gender equality unit has been created. The unit is expected to contribute to the review of land policies in such a way that certain tribal land ownership systems which exclude the majority of rural women from owning land are amended to take into consideration women's land rights. With regard to the Ministry of Education, a gender equality task team has been established which will advise on the creation of a permanent gender equity unit. The gender equity unit will be charged with studying and advising on all aspects of gender equality in the education system. It will, in particular:

(i) Identify means of correcting gender imbalances in enrolment, drop out, subject choice, career paths, and performance;

(ii) Propose guidelines to address sexism in curricula, textbooks, teaching and guidance;

(iii) Propose affirmative action strategies for increasing the representation of women in professional leadership and management positions, among others.

77. The mission took note of the passing of the Family Abuse Edict of South Africa. It equally took note of the steps being taken by the GNU to redress the tax and married allowance disadvantages suffered by married women under successive apartheid governments. Although special gender issues have been built into the RDP and in all sectors of the Government's activities as required by the Interim Constitution, the feeling among those consulted is that the economic empowerment of women from the disadvantaged communities in South Africa will require many years of effort. The mission took note of the activities to this end of non-governmental organizations such as the National Women's Coalition and the Black Sash whose contributions have been critical in generating a new sense of gender equality in South Africa. Through their efforts women's representation in Parliament has now increased significantly from the single seat under apartheid, and it was the expectation that increasing collaboration between these NGOs and the women Parliamentarians on women's concerns and women's empowerment would foster the quicker achievement of gender equality in the new South Africa.

VIII. THE RIGHT TO LIFE

78. Section 9 of the Interim Constitution guarantees every person's right to life. Unfortunately, this right continues to be violated in South Africa despite the political transition from apartheid to a non-racial democratic government as a result of the April 1994 multiracial and multiparty general elections. Incidents of political violence like the October 1994 massacre

in Gcilima on the south-west coast of Kwazulu-Natal, during which at least 100 alleged Inkatha Freedom Party supporters descended on an African National Congress stronghold killing 14 people and injuring 6 others, as well as the cold-blooded murder of Johan Heyns, a leader of the Dutch Reformed Church, illustrate that although apartheid has been dismantled, political violence cannot be willed away.

79. The October 1994 figure of 117 deaths set against the September figure of 128 represents a general downward trend in violation of the right to life occasioned by violence. In the Vaal Triangle, for example, where in 1993, 279 police officers were murdered, attacks on policemen declined from 117 in January 1994 to 33 in October of the same year. But while politically motivated violence has declined markedly since the April 1994 elections, the mission learnt that criminal violence involving armed robberies and muggings are frequent and are now spiralling upwards. Personal safety, as was the case during the era of racism and racial segregation, continues to be in jeopardy.

80. The magnitude of the situation has been underscored by recent warnings by eminent politicians. Freedom Front leader Constand Viljoen was reported recently as having warned that frustration among whites could ignite a struggle which could be extinguished only with difficulty. Democratic Party leader Tony Leon is reported as having remarked that South Africa is sitting on "a very thin crust of civil society overlaying a molten lava of anarchy". Similar concerns by Archbishop Desmond Tutu have been reinforced by an observation attributed to a senior police officer who, after reflecting on the rampant increase in criminal violence and noting that one person is murdered every 30 minutes, concluded that unless urgent steps are taken, "South Africa will eventually be faced with anarchy".

81. In spite of the view held in some quarters that the police may be exaggerating the increase in criminal violence in order to secure more funds for their budget, there was consensus of opinion among those consulted that the new South Africa needs safety, security and social stability as preconditions not just for the promotion of the people's right to life, but for the realization of their social and economic rights as well.

82. This fact, coupled with the apparent correlation between poverty and criminality on the one hand, and the importance of community involvement and participation in crime prevention and detection on the other, perhaps helps to explain the establishment of the police forums now in place in South Africa. According to information made available to the mission, the forums encourage the exchange of views between the police and local communities and enable the police to formulate appropriate local policing priorities and strategies. Basic courses on crime prevention and detection are usually organized for community representatives at these forums, while the concept of civilian policing is being impressed upon members of the new South African Police Force.

83. This force, which under apartheid consisted of 11 police formations with a staff of 124,000 and 26,000 at the centre and provinces respectively, has now been restructured into a single force for the entire country with a single command structure. The Special Rapporteur was informed that the police service is to be demilitarized and the rank structure civilianized. The police force members will also be discouraged from using excessive force in the course of their duties.

84. Police cells will be upgraded and force members are to receive instructions on human rights issues. New courses will be introduced with a view to erasing the mentality of using force to combat "terrorists" and torture to obtain confessions. Under the new dispensation, sanctions may also be instituted against policemen in cases of alleged police brutality. At the time of the mission to South Africa, seven top police officers were being investigated for alleged murder. The hope was expressed that the combination of retraining, persuasion and sanctions would result in an improved police image, which, in spite of the current changes, remains the same. In addition, continuing incidents of abuse of suspects in police custody were viewed with great concern and seen as having the capacity to threaten efforts to rebuild community/police relationships.

IX. ROLE OF THE INTERNATIONAL COMMUNITY

85. There are signs that the international community, having played an important role in accelerating the collapse of apartheid, intends to continue its solidarity with and support of the deprived masses in South Africa by providing the needed social and economic assistance. According to provisional figures released recently by the South African Department of Foreign Affairs, almost R 4 billion in aid and concessionary loans and finance have been guaranteed by foreign Governments since the historic multiracial elections in April 1994.

86. Among these are a $600 million aid package from the United States Government; a R 115 million German development aid package for the housing of farm workers; a R 430 million of Danish development aid for the period 1994-1998 for projects in land reform, rural development, education and training for black empowerment; a R 107 million loan to the South African Electricity Board (ESKOM) from the People's Republic of China for the electrification of homes in the rural areas; a US$ 15.48 million dollar loan from the Chiao Tung Bank of Taiwan (province of China) for the financing of farmer support projects in the former TBVC States; and R 16 million of Japanese aid to the Kagiso Trust in support of a variety of projects for the disadvantaged people of South Africa. Sweden also intends to keep its aid to South Africa at the current level of SKr 280 million (R 133 million) during the transitional period.

87. Multinational firms such as Volkswagen SA will contribute R 10 million over five years to community development, while Volkswagen AG has pledged an additional R 10 million to a leadership training programme in the Port Elizabeth area. Ford Foundation is providing funds towards training for civil servants in the Ministry of Lands and Surveys, under which some staff members are on short courses abroad to study land reform programmes in countries such as Mexico and China.

88. At the level of multilateral agencies, the World Bank and the South African Ministry of Reconstruction and Development are forging strategies for a local government renewal programme. The framework for the programme is expected to be published in March 1995 and it will address the rehabilitation of infrastructural services in urban and rural areas. The Commonwealth is assisting with the human resource development component of the RDP, while the United Nations Development Programme (UNDP) is currently assisting the Government to put in place a broad-based public service.

89. The European Union has confirmed approval of two further applications for joint venture projects with South African partners, amounting to almost R 3 million. This is in addition to the three applications approved earlier in November 1994 under the European Community Investment Partners Scheme. R 2.16 million of the joint venture scheme will be allocated between Nedcor, a South African finance company, and the German bank DEG for the provision of risk capital for small- and medium-scale enterprises in disadvantaged communities.

90. The United States Agency for International Development (USAID) is also understood to be assisting with R 5.25 million for the advancement of basic education and literacy in depressed areas, while the Prince Charles' Youth Programme, the Prince's Trust, together with the Royal Jubilee Trust, are to mount a major aid project aimed at helping disadvantaged young people in South Africa. A donation of £100,000 sterling has already been made and the aim is to raise a total of £1 million, to be spent mainly on educational and job creation projects.

91. UNICEF, working through a network of non-governmental organizations, has pledged US$ 20.4 million to achieve better health for South African children. Nigeria is to train some 500 black South Africans as part of its technical assistance to the new democracy. The training will educate them in key areas such as local government administration, customs and immigration services, budget and taxation, as well as communications development. The aim is to facilitate the full integration of the programmes's beneficiaries into the South African public service. Training programmes for the new Government's fledging functionaries are also taking place in institutions in Canada, Germany, Namibia, the Netherlands, Sweden, the United Kingdom, the United States and Zimbabwe.

92. These various demonstrations of continued support by the international community to the cause of the South African people received broad commendation from a cross-section of those consulted during the mission to South Africa. None the less, given the enormity of the challenges which must be overcome in order to guarantee the realization of the social and economic rights of the underprivileged class in South Africa, the need for continued assistance and support from the international community was emphasized to the Special Rapporteur by all.

X. CONCLUSIONS AND RECOMMENDATIONS

93. When the Government of National Unity (GNU) assumed office in April 1994, it started by repealing old apartheid laws that had the capacity to impede the realization of its objectives. New laws had to be enacted and policy blue-prints formulated by all government ministries and departments. This process of repeal of laws, enacting of new legislations and formulation of policies has led some critics unfamiliar with the peculiar circumstances confronting the GNU to accuse it of undue delay in seeing to the needs of the people. The first seven months or so having been spent establishing the necessary legal and policy framework, it was the understanding of the Special Rapporteur that effective implementation and upliftment of policies would start in earnest in 1995.

94. However, one consequence of the April 1994 general elections in which all South Africans exercised of their franchise and political rights as contained in sections 6 and 21 of the Interim Constitution, has been the restoration of citizenship to those South Africans who under apartheid were considered foreigners in their own lands and were consigned to so-called independent homelands or self-governing territories. With the reincorporation of these homelands and territories as provided for by the Interim Constitution, the country now has nine provinces (see annex III). The areas of the respective provinces are defined in part one of Schedule One of the Interim Constitution.

95. Reincorporation and reintegration of the people at the political level into the new South Africa is being pursued through the instrument of local governments. It is envisaged that metropolitan councils and transitional local councils will be set up before the local government elections in October 1995. However, following observations that the Local Government Transitional Act of 1993 did not adequately cover the rural areas, it has been amended to enable the GNU to redelineate district council boundaries in a way that would accommodate administrative structures of the former homelands in a more representative local government system.

96. Although the Centre for Law and Local Governments has embarked on education programmes, with a human rights component, for newly elected local government officers, the mission learnt that in some provinces, the central Government's directive on the creation of new local governments has yet to be implemented. In Natal Province for instance, the position of the Inkatha Freedom Party (IFP) is that tribal structures are adequate so there was no need for the creation of local governments. Many observers, interpret this position of IFP as an attempt by the party to retain its power base. The mission also learnt that most provinces would welcome greater devolution of powers that would enable the provinces to enact laws in areas such as education and health.

97. Another consequence of the April 1994 elections is the general improvement of the human rights environment in South Africa. In addition to introducing the universal adult franchise, and a charter of fundamental rights, as well as guaranteeing gender equality and providing for the office of the Public Protector (Ombudsman), the Interim Constitution also provides for the establishment of a constitutional court, which is scheduled to become operational in February 1995. This court will be the final arbiter in matters relating to the interpretation, protection and enforcement of the Constitution and its jurisdiction includes alleged or threatened violations of fundamental rights.

98. The Interim Constitution equally provides for the establishment of a human rights commission to promote the observance of, respect for and protection of fundamental rights; develop an awareness of fundamental human rights among all South Africans; make representations to the State at all levels regarding the adoption of progressive measures for the promotion and further observance of fundamental rights; and which could request organs of State to supply it with information on any legislative or executive measures adopted by it relating to fundamental rights. The Commission may also alert any legislature which proposes legislation in violation of international human rights norms and investigate alleged violations of rights or complaints in

such cases. A bill to establish the commission, which would report to parliament annually on its activities, has been passed by Parliament. Thus all the institutions for the enjoyment, protection and promotion of human rights are now in place.

99. The mission gathered during the consultations in South Africa that since taking office in May 1994 the GNU, apart from the social and economic measures already considered, has taken additional steps to promote human rights. One of these is the announcement on 18 October 1994 that a task force was being appointed to draw up a freedom of information act. The Task Force will consider information guarantees that will go beyond existing constitutional provisions on access to information. The legal system is reportedly now being adapted to cope with the added responsibility relating to a constitutional State and a Charter of Fundamental Rights. The GNU is setting up a truth and reconciliation commission of between 11 and 15 members to deal with political offences and perpetrators of human rights violations of the past. The purpose would be to heal the wounds of the past through disclosure of the truth and its acknowledgement.

100. South Africa has also begun the process of normalizing its international human rights commitments. On 3 October 1994, President Mandela signed the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. On that date, South Africa also subscribed to the Universal Declaration of Human Rights. The mission learnt that the country has now ratified five international instruments and signed eight such instruments. The signature and ratification of a number of additional instruments are envisaged for 1995.

101. Despite the creation of legal and policy frameworks that would facilitate the enjoyment of the social and economic rights of all South Africans, and in spite of the significant improvement in the human rights environment in the country, the mission noted the likely disruptive role which what has been described as "bureaucratic conspiracy" could pose to the implementation of the social and economic upliftment measures of the Government. Some Ministers were said to have had to grapple with rigidity and inflexibility on the part of some white bureaucrats whose jobs, in consideration of the principles of equity, justice and fair play, had been guaranteed by the Government.

102. Attention was also drawn to the growing culture of entitlement which was recognized as being at the root of land and building invasions and occupation by those who suffered exclusion and oppression under apartheid. The continuation of rent and service charge boycotts by residents have also been attributed to this culture. However, the overwhelming view of those consulted during the mission to South Africa was that such actions, useful as they were in the past, are now detrimental to the Government's effort to promote the social and economic rights of the people.

103. The mission also took note of the concern expressed by non-governmental organizations regarding the apparent decision by foreign donors to stop funding their activities following the dismantling of apartheid. It was argued that many non-governmental organizations, because of their track record of relating to the grass roots during the many years of apartheid, constituted

important vehicles by which programmes that would enhance the people's enjoyment of social and economic rights could be pursued. The mission endorses this view and recommends resumption or continuation of funding tied to specific projects to non-governmental organizations in South Africa in the interim, as the Government and NGOs should be seen as partners in the alleviation of the hardship suffered by rural populations. There is, however, a need for coordination of these efforts to avoid duplication.

104. The mission also recommends:

(i) The massive infusion of investment capital, development aid and technical assistance from the international community in what is obviously a second struggle to execute social and economic projects that would hasten the realization of the economic and social rights of disadvantaged South Africans. This is imperative, given the backlog of needs identified in almost all spheres of life;

(ii) That provincial governments should hasten the creation of local governments. This is in recognition of the key role which this level of government has to play in furthering not just the integration of the people within the new South Africa, but in the delivery of the Government's social and economic amenities. The creation of such governments would also bring development closer to the people through access to electricity, clean water, roads, primary health care centres and primary education;

(iii) That the peace initiatives which proved very effective during the political transition be maintained, cultivated and nurtured. This will facilitate a further reduction in the level of political violence;

(iv) That the ability of the police to combat violence and general criminality should be strengthened, while efforts to improve police/community relations should be vigorously pursued;

(v) That a programme directed at mopping up the youths in the streets should be given urgent consideration. Such a programme should strive to reorient them away from crime. Evidence that these youths consider crime more lucrative than engaging in legitimate activities or attending school makes a youth-centred rehabilitation programme very necessary;

(vi) That rent and service boycotts, as well as land invasions and occupation, should be ended to enable the Government to address systematically the needs of the people in a just and equitable manner;

(vii) That for affirmative action to be effective, it should be seen to be just and fair. Consequently, those civil servants that have found themselves unable to come to terms with the new environment in South Africa should volunteer to leave;

(viii) That a massive revamping of education directed at construction of new schools, equipping existing schools and increasing the number of classrooms should be embarked upon. Technical training should be pursued on a large scale to improve the skills of the disadvantaged communities. In addition, scholarships and bursary schemes should be instituted to enable indigent students to acquire the necessary education, either at home or abroad, that would facilitate their absorption into the South African labour market;

(ix) That because of the scope of the Reconstruction and Development Programme, consideration should be given to prioritizing projects and staggering their delivery so as to take maximum advantage of scarce resources and ensure visible benefits to the target groups;

(x) That a public enlightenment campaign be instituted by the Government. Such a campaign should advocate patience on the part of the deprived and disadvantaged peoples of South Africa and at the same time endeavour to explain measures and actions which the Government is taking to facilitate the realization of the social and economic rights of the people;

(xi) That as most of the poorest of the poor live in rural areas, it may be necessary to come up with a bold blueprint to address their particular needs and aspirations. This is especially so since the majority of those consulted were of the opinion that current upliftment policies are not far-reaching.

105. Having won the political struggle to overturn apartheid and transform South Africa into a multiracial democracy, the country now stands at the threshold of achieving social and economic emancipation for all its peoples. There is no doubt that given the existing political and economic climate in the country, restoring social justice would be daunting; equalizing social spending may seem financially intimidating, while creating enough jobs and adequate housing, providing education as well as health care for the majority would appear an awesome undertaking. However, it is pertinent to reiterate that nothing achieved on the political front will endure unless South Africa begins now to address the basic aspirations for a better life of the degraded and deprived members of its society in accordance with international human rights instruments. The success of its new-found democracy will ultimately depend on the success of that process. Fortunately, South Africans have shown that if they work together as was the case during the April 1994 elections, they can surmount any obstacle. It is on this unity of purpose and resolve that the international community anchors its hopes for the successful prosecution of what is obviously the second struggle for the social and economic emancipation of all South Africans.